

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

2010 FEB 19 A 10:10

Brian K. Hall,

Plaintiff,

vs.

The County of Carolina Department of Corrections;
Corporal M Grodetsky, Director Jon E. Ozmint,
Warden Pinson, SAS Associate Warden,
Captain Roberts, and Seargent Gadson,

Defendants.

C.A. No. 2:09-3106-TLW-RSC

ORDER

The *pro se* plaintiff filed this action pursuant to Title 42, United States Code, Section 1983 in December of 2009.¹ (Doc. # 1). This matter is now before the undersigned for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Robert S. Carr, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). (Doc. # 8). In his Report, Magistrate Judge Carr recommends that the Complaint in the above-captioned case be dismissed without prejudice and without issuance and service of process. No objections to the Report have been filed.²

¹The Court notes Doc. # 11 which has been docketed as a motion to amend complaint by plaintiff. However, after careful review of the Complaint attached to Doc. # 11, and the Complaint filed as Doc. # 1, the Court finds them to be substantially the same document outlining the same facts and allegations. Accordingly, Doc. # 11 is granted, however the case is still subject to dismissal as outlined above.

²The Report was filed on December 21, 2009. Objections were due by January 7, 2010. On December 29, plaintiff filed a motion for an extension of time to file objections to the Report. Said motion was granted. However, to date no objections have been filed. Plaintiff did file a letter during the time period for filing objections, inquiring about getting "more time" to respond

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 8), and the Complaint in the above-captioned case is **DISMISSED** without prejudice and without issuance and service of process

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

February 18, 2010
Florence, South Carolina

in his lawsuit. The letter contains no specific objections to any portion of the Report.